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6 Attorneys for Defendant
7 JOHN KONTRABECKI

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 In re
12 CENTRAL EUROPEAN INDUSTRIAL
DEVELOPMENT COMPANY, LLC dba
13 CEIDCO,
14 Debtor,
15 THE KONTRABECKI GROUP LP,
16 Debtor.

17 ARON M. OLINER, et al.,
18 Plaintiffs,
19 vs.
20 JOHN KONTRABECKI, et al.,
21 Defendants.
22
23

Bk No. 02-30419-11-DM

Chapter 11

Adv. No. 03-3264 DM

Bk. No. 02-30421-11-DM
Chapter Number: 11

[Administratively Consolidated]

**DECLARATION OF MICHAEL J. BETZ, ESQ. IN
SUPPORT OF JOHN KONTRABECKI'S (1)
MOTION TO STRIKE AND/OR VACATE THE
COURT'S CONTEMPT RULINGS OR, IN THE
ALTERNATIVE; TO RECONSIDER THE COURT'S
CONTEMPT RULINGS AND (2) MOTION FOR
SANCTIONS AGAINST PLAINTIFFS
TERMINATING THE ADVERSARY PROCEEDINGS
AND THE ISSUANCE OF MONETARY SANCTIONS
AGAINST PLAINTIFFS' COUNSEL PETER
BENVENUTTI, THE LAW FIRM OF JONES DAY,
MARK KAUFMAN, THE LAW FIRM OF
MCKENNA LONG & ALDRIDGE, LLP, AND
ARON M. OLINER**

Date: Unknown
Time: Unknown
Dept: Courtroom 22
Judge: Hon. Dennis J. Montali

1 I, Michael J. Betz, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all the Courts of the State
3 of California. I am a partner at the law firm of Allen Matkins Leck Gamble, Mallory & Natsis,
4 attorneys of record for Defendant John Kontrabecki, in this action. If called as a witness, I could
5 and would testify competently to the matters set forth in this declaration, except for those matters
6 stated upon information and belief, and as for those matters, I believe them to be true.

7 2. I attach hereto as **Exhibit A** a true and correct copy of an August 4, 2003 from
8 Assistant United States Attorney Lawrence Leigh to the Trustee regarding the possible criminal
9 prosecution of Mr. Kontrabecki, which I am informed and believed was produced by Plaintiffs in
10 this action.

11 3. I attach hereto as **Exhibit B** are true and correct copies of excerpts from the official
12 transcript of the hearing that took place in this case on March 31, 2009.

13 4. I attach hereto as **Exhibit C** are true and correct copies of excerpts from the official
14 transcript of the hearing that took place in this case on October 31, 2006.

15 5. I attach hereto as **Exhibit D** are true and correct copies of excerpts from the official
16 transcript of the hearing that took place in this case on September 26, 2006.

17 6. I attach hereto as **Exhibit E** are true and correct copies of excerpts from the official
18 transcript of the hearing that took place in this case on August 12, 2005.

19 7. I attach hereto as **Exhibit F** are true and correct copies of excerpts from the official
20 transcript of the hearing that took place in this case on July 16, 2004.

21 8. I attach hereto as **Exhibit G** are true and correct copies of excerpts from the official
22 transcript of the hearing that took place in this case on May 4, 2004.

23 9. I attach hereto as **Exhibit H** are true and correct copies of excerpts from the official
24 transcript of the hearing that took place in this case on June 13, 2007.

25 10. I attach hereto as **Exhibit I** are true and correct copies of excerpts from the official
26 transcript of the hearing that took place in this case on December 8, 2003.

27 11. I attach hereto as **Exhibit J** true and correct copies of excerpts from the April 14,
28 2004 deposition of Lech Giliconski.

12. I attach hereto as **Exhibit K** a true and correct copy of my September 28, 2009, letter to Mr. Oliner concerning Plaintiffs' production

13. I attach hereto as **Exhibit L** true and correct copies of excerpts from the July 21, 2004 deposition of John Kontrabecki.

14. I attach hereto as **Exhibit M** a true and correct copy of Mr. Oliner's April 23, 2003, letter from to Patricia Cutler, which Lehman's counsel produced during discovery in this action.

15. I attach hereto as **Exhibit N** a true and correct copy of Mr. Gloster's May 23, 2003, letter to Ms. Cutler, which was written in response to Mr. Oliner's April 23, 2003, letter and which Lehman's counsel produced during discovery in this action.

16. I attach hereto as **Exhibit P** are true and correct copies of excerpts from the official transcript of the hearing that took place in this case on October 15, 2003.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of November, 2009, at San Francisco, California.

/s/ Michael J. Betz
MICHAEL J. BETZ